

UNITED STATES DISTRICT COURT

for the

Southern District of Mississippi

Filed

MAR 16 2015

U.S. Magistrate Judge

United States of America

v.

Fabian Trejo-Osorio

Case No. 3:15-mj-527-FKB*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 03/11/2015 in the county of Hinds in the
Southern District of Mississippi, the defendant(s) violated:

*Code Section**Offense Description*

18 U.S.C. Section 922(g)(5)

Illegal alien in possession of a firearm

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.*Complainant's signature*

Rodney B. Sharff, Immigration Agent, ICE

Printed name and title

Sworn to before me and signed in my presence.

Date: 3/12/2015*Judge's signature*City and state: JACKSON, MS

F. Keith Ball, U.S. Magistrate Judge

Printed name and title


AFFIDAVIT

I, Rodney B. Sharff., being duly sworn, do hereby depose and state:

1. I am a Deportation Officer with U. S. Immigration and Customs Enforcement (ICE) and have been employed as such since July 3, 2010. Prior to this position I have served as an Immigration Enforcement Agent with ICE and a U.S. Border Patrol Agent with CBP.
2. I have received training in the areas of criminal law enforcement as a law enforcement officer for ICE. That training has included the investigation and prosecution of violations of criminal laws relating to unlawful entry, employment, and physical presence in the United States of individuals subject to the Immigration and Nationality Act.
3. My current duties include conducting criminal investigations of violations of Federal Statutes and administrative violations of the Immigration and Nationality Act.
4. As part of my duties, I am involved in the investigation of Fabian TREJO-Osorio, a citizen and national of Mexico. During the course of my investigation of TREJO-Osorio, the following events have occurred:
 - a. On March 3, 2015, the Homeland Security Investigations Tip Line received information concerning a suspected illegal alien in Jackson, MS. The caller stated that Fabian TREJO-Osorio was abusive toward her and that he continues to harass her. The caller added that he had recently returned from Mexico and that she has seen a gun under the subject's bed. The caller stated that TREJO lives at 5134 Gertrude Drive, Lot#16, Jackson, MS 39204.
 - b. On March 10, 2015, surveillance was conducted at the residence located at 5134 Gertrude Drive, Lot#16, Jackson, MS 39204 and a white GMC Canyon, tag#HQ3113 was parked at the house. Record checks revealed that the vehicle was registered to Fabian TREJO-Osorio.
 - c. On March 11, 2015, at approximately 1540hrs, your affiant conducted a knock and talk at the house located at 5134 Gertrude Drive, Lot#16, Jackson, MS 39204. A male subject later identified as Fabian TREJO-Osorio met officers at the door. Your affiant obtained verbal consent to enter the home by TREJO. An initial interview determined that TREJO is a citizen of Mexico, illegally present in the United States. After determining alienage, your affiant gave Miranda Warnings to TREJO and questioned him as to the firearm that was referenced by the caller. TREJO denied possession of any firearm and agreed to allow officers to search his home and vehicle. During the search, TREJO confessed to Officer Ayala that he did have a pistol in his bedroom. TREJO led your affiant and Officer Ayala to his bedroom where a Highpoint, .380 caliber, serial#P8081183, handgun was found in an upper cabinet. Officer Ayala then

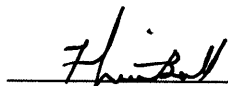
received written consent from TREJO and Juana UMANZOR to search the additional areas of the home. No other weapons were found.

Based on the information contained herein, your affiant submits that probable cause exists to believe that Fabian TREJO Osorio is an alien present in the United States without valid immigration documents and was in possession of a firearm. I further submit that there is probable cause to believe that Fabian TREJO Osorio is amenable to criminal proceedings for violation of Title 18, United States Code, Section 922 (g)(5), in that he is an alien illegally or unlawfully present in the United States who was in possession of firearm.



Rodney B. Sharff
Deportation Officer
U. S. Immigration and Customs Enforcement

Subscribed to me this 12th day of March, 2015



F. KEITH BALL
United States Magistrate Judge